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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,020	02/09/2005	Hideyuki Agata	263483US6PCT	7564
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
JONES, HEATHIER RAE				
ART UNIT		PAPER NUMBER		
2621				
NOTIFICATION DATE		DELIVERY MODE		
02/04/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/524,020

Applicant(s)

AGATA, HIDEYUKI

Examiner

HEATHER R. JONES

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-506)
Paper No(s)/Mail Date 9/1/2009, 10/15/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 1, 2009 has been entered.

Response to Arguments

2. Applicant's arguments filed October 1, 2009 have been fully considered but they are not persuasive.

The Applicant argues that Okose and Temple et al. both fail to disclose a menu entry is generated for the first portion, and a menu entry is generated for the second portion based upon a determination that a time period between the recording start times of the first and second portions is at least a predetermined time period, wherein the recording start time of the second portion is subsequent and discontinuous to the recording start time of the first portion. The Examiner respectfully disagrees. Temple et al. discloses in col. 4, lines 45-56 that the chapter breaks are created based on the occurrence of first and second discontinuous time segments, wherein the first and second time discontinuous time segments comprise discontinuous time segments greater than a prescribed

threshold discontinuous time segment. Therefore, the combination of Okose and Temple et al. meet claimed limitations and the rejection is maintained.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 4, 6, and 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okose (JP 2000-059731) in view of Temple et al. (U.S. Patent 7,386,218).

Regarding claim 1, Okose discloses an information processing apparatus comprising: connection means for connecting to a reproduction device for reproducing content data recorded in a first format (paragraph [0012] – IEEE 1394 interface); content data acquisition means for acquiring said content data reproduced by said reproduction device connected to said connection means (paragraphs [0014] and [0015] – edit control part (109)); conversion means for converting the first format of said content data acquired by said content data acquisition means to a second format (paragraph [0016] - MPEG encoder (101)); recording control means for executing control such that said content data converted to said second format by said conversion means is recorded from said information processing apparatus to a predetermined removable recording

medium (paragraphs [0004] and [0026]); detection means for detecting a signal supplied from said reproduction device indicative that said reproduction device is connected to said connection means and reproduction of said content data by said reproduction device is ready (paragraphs [0014] and [0015]); and processing control means for executing control such that, if said signal is detected by said detection means, processing by said content data acquisition means, processing by said conversion means, and processing by said recording control means are continuously executed in this order (paragraphs [0003], [0004], and [0014]-[0016]). However, Okose fails to disclose that the second format being a predetermined optical disc standard; an information acquisition means for acquiring relative time information of said content data from said content data acquired by said content data acquisition means, said relative time information including a recording start time of a first portion of the content data and a recording start time of a second portion of the content data, which is subsequent to the first portion and is discontinuous with the first portion; or a generation means for generating a menu of said content data acquired by said content data acquisition means based on said relative time information and a predetermined time information including a predetermined time period, said generation means generating a menu entry for the first portion, and said generating means generating a menu entry for the second portion based upon a determination that a time period between the recording start time of the second

portion and the recording start time of the first portion is at least said predetermined time period.

Referring to the Temple et al. reference, Temple et al. discloses an information processing apparatus that converts an analog signal into MPEG format, wherein the second format being a predetermined optical disc standard; an information acquisition means for acquiring relative time information of said content data from said content data acquired by said content data acquisition means, said relative time information including a recording start time of a first portion of the content data and a recording start time of a second portion of the content data, which is subsequent to the first portion and is discontinuous with the first portion; and a generation means for generating a menu of said content data acquired by said content data acquisition means based on said relative time information and a predetermined time information including a predetermined time period, said generation means generating a menu entry for the first portion, and said generating means generating a menu entry for the second portion based upon a determination that a time period between the recording start time of the second portion and the recording start time of the first portion is at least said predetermined time period (Figs. 2 and 6, col. 4, lines 45-56 – chapter breaks are created based on the occurrence of first and second discontinuous time segments, wherein the first and second time discontinuous time segments comprise discontinuous time segments greater than a prescribed threshold discontinuous time segment).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a DVD menu in the second format as created by Temple et al. in the format conversion disclosed by Okose in order to provide the user the ability to allow for random access of the DVD upon playback.

Regarding claim 3, Okose in view of Temple et al. discloses all the limitations as previously discussed with respect to claim 1 including that wherein said reproduction device is a digital video tape recorder; said first format is a format of said digital video tape recorder (Okose: paragraph [0012] - tape recorder (101)); said content data acquired by said content data acquisition means is recorded to a digital video tape loaded on said digital video tape recorder (Okose: paragraph [0012] – magnetic tape); and said reproduction control means controls processing of reproduction, fast forward feed, and rewind of said digital video tape loaded on said digital video tape recorder, and stop of said processing (Okose: paragraph [0017]).

Regarding claim 4, Okose in view of Temple et al. discloses all the limitations as previously discussed with respect to claim 1 including that the content data is data formed by a moving image and audio data corresponding thereto, said information processing apparatus further comprising: determination means for determining, on the basis of said time information of said content data acquired by said information acquisition means, a quality of said moving image, a size thereof, and a quality of said audio data of said content data when said

content data is corded to said recording medium under the control of said recording control means (Okose: paragraph [0014]), wherein said recording control means executes control so as to record said content data to said recording medium with said quality of said moving image, said size, and said quality of said audio data determined by said determination means (paragraph [0038]); and said processing control means, if said signal is detected by said detection means, executes control so as to execute the processing of said determination means after the processing of said information acquisition means and before the processing of said recording control means as one of said sequence of processing operations (Okose: paragraphs [0014]-[0017]).

Regarding claim 6, this is a computer-readable storage medium claim corresponding to the apparatus claim 1. Therefore, claim 6 is analyzed and rejected as previously discussed with respect to claim 1.

Regarding claim 8, Okose in view of Temple et al. discloses all the limitations as previously discussed with respect to claim 1, including that the predetermined time information includes a change in date (Temple et al. discloses creating chapter breaks after a specified time interval ΔT or using the absolute time information along with the recorded video to determine gaps in time (col. 4, lines 1-17). A change in date can be considered as apart of a specified time interval ΔT or even a gap in time.).

Regarding claim 9, Okose in view of Temple et al. discloses all the limitations as previously discussed with respect to claim 1, including that the

predetermined time period is 10 minutes (Temple et al.: col. 4, lines 1-10 – a specified time interval ΔT).

Regarding claims **10** and **11**, these are computer-readable storage medium claims corresponding to the apparatus claims 8 and 9. Therefore, claims 10 and 11 are analyzed and rejected as previously discussed with respect to claims 8 and 9.

Regarding claim **12**, Okose in view of Temple et al. discloses all the limitations as previously discussed with respect to claim 1, including that the relative time information includes a recording start time of a third portion of the content data, which is subsequent to the second portion and is discontinuous with the second portion; said generation means generates a menu entry for the third portion based upon a determination that a time period between the recording start time of the second portion and the recording start time of the first portion is less than said predetermined time period, and that a time period between the recording start time of the third portion and the recording start time of the first portion is at least said predetermined time period; and said generation means generates a menu entry for the third portion based upon a determination that a time period between the recording start time of the second portion and the recording start time of the first portion is at least said predetermined time period, and that a time period between the recording start time of the third portion and the recording start time of the second portion is at least said predetermined time period (Temple et al.: Figs. 2 and 6, col. 4, lines 45-56 – chapter breaks are

created based on the occurrence of first and second discontinuous time segments, wherein the first and second time discontinuous time segments comprise discontinuous time segments greater than a prescribed threshold discontinuous time segment).

Regarding claim **13**, this is a computer-readable storage medium claim corresponding to the apparatus claim 12. Therefore, claim 12 is analyzed and rejected as previously discussed with respect to claim 13.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okose in view of Temple et al. as applied to claim 6 above, and further in view of Yoshikawa (JP 2001-092575A)

Regarding claim **7**, Okose in view of Temple et al. discloses all the limitations as previously discussed with respect to claim 6 but fails to disclose that the program further making said computer execute the steps of: controlling to display a predetermined symbol when a signal indicative that said reproduction device has been connected to said computer and said content data can be reproduced by said reproduction device is entered, said signal being supplied from said reproduction device; and detecting the selection of said symbol by a user, display of said symbol being controlled in the display control step, wherein, if the selection of said symbol by said user is detected in the detection step, said program makes said computer execute the content data acquisition step, the conversion step, and the recording control step as a sequence of processing operations in this order by use of said detection as a trigger.

Referring to the Yoshikawa et al. reference, Yoshikawa et al. discloses a computer that displays icons corresponding to external devices connected with the personal computer. The connection condition of the external device with the personal computer is made easily understandable by the user, by dynamically changing the display type of icons (abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided an icon for the user to click as disclosed by Yoshikawa with the apparatus disclosed by Okose in view of Temple et al. in order to trigger the program to start so that way the user knew when the data was available to convert.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HEATHER R. JONES whose telephone number is (571)272-7368. The examiner can normally be reached on Mon. - Thurs.: 7:00 am - 4:30 pm, and every other Fri.: 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Heather R Jones
Examiner
Art Unit 2621

HRJ
January 30, 2010

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621